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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JASON PAUL CHESTER,

9 Plaintiff,

10 v.

11 UNIVERSITY OF WASHINGTON, et  
12 al.,

13 Defendants.

CASE NO. C11-5937BHS

ORDER DENYING MOTION  
TO APPOINT COUNSEL

14 This matter comes before the Court on Plaintiff John Paul Chester's ("Chester")  
15 motion to appoint counsel (Dkt. 7). The Court has reviewed the briefs filed in support of  
16 and in opposition to the motion and the remainder of the file and hereby denies the  
17 motion for the reasons stated herein.


18 On November 22, 2011, Chester filed a complaint alleging violations of the  
19 Americans with Disabilities Act and the Rehabilitation Act. Dkt. 3. On January 4, 2012,  
20 Chester filed a motion to appoint counsel. Dkt. 7.

21 Although the Court, under 28 U.S.C. § 1915(e), can request counsel to represent a  
22 party proceeding in forma pauperis, it may do so only in exceptional circumstances.  
23 *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997). A finding of exceptional  
24 circumstances requires an evaluation of both the likelihood of success on the merits and  
25 the ability of a plaintiff to articulate his claims pro se in light of the complexity of the  
26 legal issues involved. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).  
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1 In this case, the Court finds that Chester has failed to show that exceptional  
2 circumstances exist. Chester is well educated and is able to articulate his claims.  
3 Moreover, the issues in this case do not appear to be that complex because the elements  
4 of Chester's causes of action are relatively simple and straightforward.

5 Therefore, it is hereby **ORDERED** that Chester's motion to appoint counsel (Dkt.  
6 7) is **DENIED**.

7 DATED this 25th day of January, 2012.

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10 BENJAMIN H. SETTLE  
11 United States District Judge  
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